

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)

2018 SEP -6 P 12:34

CLERK OF DISTRICT COURT  
ALEXANDRIA, VIRGINIA

Fitistics, LLC

v.

Erik B. Cherdak, Esq. (Appellant *Pro Se*)

-and-

Erik B. Cherdak (Appellant *Pro Se*)

v.

Sean L. McKirdy

Case No. 1:16-cv-112 (LO/jfa)

As Consolidated With:

Case No. 1:17-cv-500 (LO/jfa)

Appeal No. \_\_\_\_\_

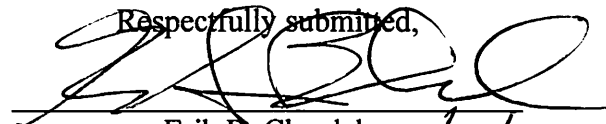
**MR. CHERDAK'S NOTICE OF APPEAL  
PURSUANT TO FED. R. APP. P. RULES 3 and 4**

Notice is hereby given pursuant to Fed. R. App. P. Rules 3 and 4 that Erik B. Cherdak, Defendant and Appellant, *pro se*, (hereinafter "Mr. Cherdak") in the above-referenced case, hereby appeals to the United States Court of Appeals for the Fourth Circuit from the final judgment (and its related Memorandum Opinion and Orders as found on this Court's docket) as signed on 23<sup>rd</sup> day of August, 2018 by the Honorable U.S. District Judge Liam O'Grady of the United States District Court for the Eastern District of Virginia (Alexandria Division), which final judgment appears to have been entered on the Court's Docket on the 24<sup>th</sup> day of August, 2018 (the day notices of electronic filings were received by Mr. Cherdak). This Notice of Appeal has been timely filed.

Fees (\$505.00) related to this Notice of Appeal have been paid contemporaneously to the Clerk of U.S. District Court for the Eastern District of Virginia (Alexandria).

It is believed that no additional papers other than those which may be specified herein, if any, are due at the time of the filing of this Notice of Appeal. If additional information is needed, it is respectfully requested that the Clerk of this Court and/or the Clerk's Office of the Fourth Circuit Court of Appeals notify the undersigned at the physical address, email address and/or telephone and facsimile numbers listed below. The Court Reporter confirmed in writing that all transcripts are already part of the official record pertaining to this case as maintained within the CM/ECF system.

Ten (10) copies of this document have been filed contemporaneously herewith to ensure that the District Court has been supplied with enough copies for service of process and for the Court's own use.


Respectfully submitted,  
  
Erik B. Cherdak 9/6/2018

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**CERTIFICATE OF SERVICE**

I, Erik B. Cherdak, do hereby certify that on September 6, 2018, a copy of this Notice of Appeal was deposited in the USPS First Class Mail to the below-named attorney. I understand that the Court will scan the Notice of Appeal for docketing on the Court's CM/ECF System – which system will send an automatic notification of electronic filing (NEF) and will provide a link to download this Paper to the below-specified counsel.

John Ferman Banks & Associates 4031 Chain Bridge Road, Suite 301 Fairfax, VA 22030 703-273-7000	John D.V. Ferman Birch Stewart Kolasch & Birch, LLP 8110 Gatehouse Road, Suite 100 East Falls Church, VA 22042 Phone: 703.205.8009
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Erik B. Cherdak 9/6/2018

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Herz DIVISION

Cherdale / Partners LLC  
Plaintiff(s),

Cherdale / Partners LLC  
v.  
Defendant(s).

Civil Action Number: 1-16-cv-221  
112  
LO/SAA

See doc.  
for Caption  
and Case # 15

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of

Notice of Appeal  
(Title of Document)

Kirk B. Cherdale  
Name of Pro Se Party (Print or Type)

[Signature]  
Signature of Pro Se Party

Executed on: 9/6/2018 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of

\_\_\_\_\_  
(Title of Document)

\_\_\_\_\_  
(Name of Attorney)

\_\_\_\_\_  
(Address of Attorney)

\_\_\_\_\_  
(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document

\_\_\_\_\_  
(Name of Pro Se Party (Print or Type)

\_\_\_\_\_  
Signature of Pro Se Party

Executed on: \_\_\_\_\_ (Date)